



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Aviation Safety

800 Independence Ave  
Washington, DC 20591

Exemption No. 18510B  
Regulatory Docket No. FAA-2020-0292

Mr. John McGraw  
Vice President of Regulatory Affairs  
National Air Transportation Association  
818 Connecticut Ave., NW.  
Washington, DC 20006

Dear Mr. McGraw:

This letter is to inform you that Federal Aviation Administration (FAA) have granted your petition, in part, to extend Exemption No. 18510A. The discussion below reviews the petition, states the decision, lists the conditions and limitations, and describes the decision's effect.

### **The Petition**

By letter dated July 9, 2020, you petitioned the FAA on behalf of the National Air Transportation Association (NATA) and its members for an extension of Exemption No. 18510A. That exemption from §§ 135.245(c), 135.247(a), 135.301(a), 135.323(b), 135.337(g), 135.338(g), 135.339(b), 135.340(b), and 135.505(d) of Title 14, Code of Federal Regulations (CFR) provides limited relief from the timeframes for completing recurrent training and qualification requirements for ground personnel and crewmembers<sup>1</sup> due through July 31, 2020.<sup>2</sup>

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.<sup>3</sup> You request that the exemption be extended to provide relief from the timeframes for completing recurrent training and qualification requirements for ground personnel<sup>4</sup> and crewmembers due through January 31, 2021.<sup>5</sup>

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<sup>1</sup> For purposes of this exemption, crewmember refers to pilots and flight attendants.

<sup>2</sup> NATA's July 9, 2020 petition incorrectly states that Exemption No. 18510A is limited to crewmembers who are required to complete recurrent training, testing, checking, evaluation, recency, or observation until September 31, 2020.

<sup>3</sup> The petitioner provided updated information pertaining to the ongoing impacts of COVID-19 to the aviation industry including reduced flying schedules, limitations on crew training capacity to accommodate social distancing and increased disinfection protocols, and the inability of crewmembers to travel to training facilities.

<sup>4</sup> NATA's July 9, 2020 petition did not request relief for ground personnel. However, NATA confirmed in a July 20, 2020 phone conversation that this was an inadvertent omission.

<sup>5</sup> The provision of relief for training and qualification requirements for crewmembers due through January 31, 2021, would necessarily require an extension of the exemption through April 30, 2021 to accommodate the allowance of two additional grace months for training requirements that already include a grace month. *See* Exemption No. 18510, footnote 5.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to NATA members and other part 119 certificate holders seeking to exercise the relief.

### **Our Decision**

The FAA has determined that the justification for the issuance of Exemption No. 18510A remains valid with respect to this exemption and is in the public interest. The petitioner requested relief from the timeframes for completing recurrent training and qualification requirements for ground personnel and crewmembers due through January 31, 2021. Because the coronavirus disease 2019 (COVID-19) public health emergency continues to evolve, and the length and nature of its ongoing effects are uncertain, at this time the FAA is limiting this exemption to recurrent training and qualification requirements due through September 30, 2020.<sup>6</sup> The FAA has amended Condition and Limitation No. 6 to ensure that certificate holders provide a revised plan to mitigate any potential risk introduced by extending the relief to additional ground personnel and crewmembers with training and qualification requirements due in August and September 2020.

The FAA emphasizes that this extension does not expand upon the relief already provided to ground personnel and crewmembers with training and qualification requirements due through July 31, 2020. Rather, it provides the same relief to a new cohort of ground personnel and crewmembers with training and qualification requirements due in August and September. Personnel who complete recurrent training, testing, checking, evaluation, recency, or observation up to either two or three calendar months after the calendar month in which the training, testing, checking, evaluation, recency, or observation is required, will be considered to have taken or completed the training, testing, checking, evaluation, recency, or observation in the calendar month in which it was required. *See* Condition and Limitation No. 4.

The FAA is adding § 61.57(e)(3) to the relief provided by this exemption. Section 61.57 contains the recent flight experience requirements for pilots in command of an aircraft carrying passengers or of an aircraft certificated for more than one pilot flight crewmember. Section 61.57(e)(3) provides an exception for a pilot in command who is employed by a part 119 certificate holder authorized to conduct operations under part 135 when the pilot is engaged in a flight operation under part 91 or 135 for that certificate holder if the pilot in command complies with the recent flight experience requirements of part 135 (§ 135.247). Pilots of certificate holders authorized use of Exemption No. 18510, as amended, may not be in compliance with § 135.247 because the certificate holder has been granted limited relief from its requirements. The FAA did not intend to require these pilots to comply with § 61.57 if the certificate holder

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<sup>6</sup> The inclusion of training due through September 30, 2020 means that, for a crewmember who was due to complete recurrent training in September for a requirement that already allowed for one grace month by regulation, the original regulatory grace month is October. With the two-month extension provided by this exemption, the crewmember's grace months are October, November, and December. If the crewmember completes the training in October through December, the crewmember will be considered to have completed it in September. However, the FAA notes that, unlike the other regulatory sections included in the relief provided by this exemption, 14 CFR §§ 135.245(c) and 135.247(a) does not already permit a regulatory grace month. Thus, for a crewmember who is due to meet the requirements of §§ 135.245(c) and 135.247(a) in September, the crewmember's grace months provided in this exemption are October and November, but not December.

used the relief from § 135.247(a). Therefore, the FAA finds that relief from § 61.57(e)(3) is necessary to meet the intent of the exemption.

Pursuant to the authority contained in 49 USC §§ 106(f), 40113, and 44701, delegated to me by the Administrator, part 119 certificate holders conducting part 135 operations are granted an exemption from 14 CFR §§ 61.57(e)(3), 135.245(c), 135.247(a), 135.301(a), 135.323(b), 135.337(g), 135.338(g), 135.339(b), 135.340(b), and 135.505(d). This exemption is subject to the conditions and limitations listed below.

### Conditions and Limitations

1. This exemption applies only to part 119 certificate holders who have submitted a Letter of Intent to the FAA at the following address: 9-AVS-AFS200-COVID-Exemptions@faa.gov. The Letter of Intent must state the certificate holder's intention to exercise the relief granted in this exemption and affirm the intention to act consistently with the conditions and limitations herein.
  - a. A certificate holder that submitted a Letter of Intent prior to July 30, 2020, in accordance with the previous issuances of this exemption has met the requirement of Condition and Limitation No. 1 and does not have to submit another letter.
2. This exemption applies only to part 119 certificate holders who have been granted authorization by their assigned principal operations inspector in operations specification A005.
3. This exemption applies only to crewmembers or ground personnel who are required to complete recurrent training, testing, checking, evaluation, recency, or observation through September 30, 2020.
4. Personnel who complete recurrent training, testing, checking, evaluation, recency, or observation up to either two<sup>7</sup> or three<sup>8</sup> calendar months after the calendar month in which the training, testing, checking, evaluation, recency, or observation is required, will be considered to have taken or completed the training, testing, checking, evaluation, recency, or observation in the calendar month in which it was required.<sup>9</sup>
5. Any part 119 certificate holder requesting to use this exemption must provide a plan to its assigned principal operations inspector with the following information.
  - a. For certificate holders with an accepted SMS, a safety risk assessment.
  - b. For certificate holders without an accepted SMS, a safety analysis and corresponding risk mitigations to be implemented by the certificate holder.

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<sup>7</sup> With this exemption, a total of two grace months are available to complete the requirements of 14 CFR §§ 135.245(c) and 135.247(a).

<sup>8</sup> With this exemption, a total of three grace months are available to complete the requirements of 14 CFR §§ 135.293(a) and (b) 135.295, 135.297(a) and (b), 135.299(a), 135.337(f), 135.338(f), 135.339(a)(2), 135.340(a)(2), 135.343, and 135.505(a).

<sup>9</sup> The three grace months may only be used once for each training, testing, checking, evaluation, recency, or observation requirement for each person. For example, if a pilot competency check under § 135.293(b) was due in April 2020, under the original exemption 18510, the pilot could complete the check in May, June, or July and still be considered to have completed the check in April. If the pilot does not complete the check within the three grace months (by the end of July), the pilot must complete requalification training in accordance with § 135.321(b)(8) and the certificate holder's approved training and qualification program.

- c. The method(s) the certificate holder will use in accordance with § 135.329(e)(1) to ensure that each crewmember using relief under Conditions and Limitations Nos. 3 and 4 above remains adequately trained and currently proficient for each aircraft, duty position, and type of operation in which the person serves.
6. A certificate holder that met Condition and Limitation No. 5 prior to July 30, 2020, must provide a revised plan to its assigned principal operations inspector if the certificate holder intends to apply the relief provided in this exemption to crewmembers or ground personnel who are required to complete recurrent training, testing, checking, evaluation, recency, or observation in August and September 2020.
7. Certificate holders may operate outside of the United States under this exemption, unless otherwise prohibited by a foreign country. Crewmembers must have in their physical possession, or readily accessible in the airplane, a copy of this grant of exemption when exercising the relief provided. In accordance with the Convention on International Civil Aviation (Chicago Convention), and its Annexes, crewmembers must present a copy of this grant of exemption for inspection upon request by a foreign civil aviation authority.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2020-0292 (<http://www.regulations.gov>). Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

### **The Effect of Our Decision**

The FAA's decision amends Exemption No. 18510A to 18510B and extends the termination date to December 31, 2020, unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty

Deputy Executive Director, Flight Standards Service